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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Mark R. Forte EXAMINER : D.H. Willse
SERIAL NO. : 08/327,092 ART UNIT : 3308
FILED : October 21, 1994
FOR : MECHANICALLY LINKED HINGED KNEE
PROSTHESIS (AS AMENDED)

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 on November 26, 1997.

David A. Jackson, Reg. No. 26,742
(Name of Registered Representative)

Luis G. Suarez 11/26/97
(Signature and Date)

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

ASSISTANT COMMISSIONER FOR PATENTS
BOX DAC
WASHINGTON, D.C. 20231

Dear Sir:

It is requested that the above-identified Application be revived under 37 CFR 1.137(b) on the grounds that the Application was unintentionally abandoned for failure to prosecute by not responding to the outstanding Office Action dated January 21, 1997.

Specifically, the Examiner issued a Final Office Action with a mailing date of January 21, 1997, and on April 21, 1997, Applicant by the undersigned forwarded a response thereto. The response, an as-mailed copy of which is enclosed, responded to the Examiner's comments by adopting the suggested amendments to render the application as amended in condition for allowance.

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The response was accompanied by a post card receipt and was placed in First Class mail. However, the original post card bearing the cancellation of the Patent Office was never received. While files are normally regularly monitored for status, the present file was inadvertently not noted until this date.

When Applicant discovered that the present application had not received a response, and that a time extension had not been filed therein, Applicant telephoned the Examiner and thereafter forwarded a Communication in the form of a Status Inquiry and a request for entry and processing, reciting the fax set forth above. The Examiner advised that, as no evidence of receipt by the Patent Office of Applicant's response, e.g. in the form of a canceled postcard, was available for submission, the Examiner was obliged to consider the application abandoned, and that Applicant must submit a Petition To Revive. At no time was it Applicant's intent that the present application be abandoned.

In compliance with the rules, a copy of the response to the Final Rejection is submitted together with a Notice of Appeal and the requisite fee payment.

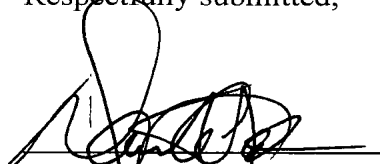
The present Petition is being filed within one year of the date on which the Application became abandoned, that is, the Application became abandoned on April 21, 1997.

Applicant has qualified for Small Entity status. A check in the amount of \$660.00 is enclosed to cover the Petition Fee under 37 CFR 1.17(m), and a check in the amount of \$155.00 is enclosed to cover the Notice of Appeal..

The Commissioner is further authorized to charge any deficiencies associated with this Petition or credit any overpayment to Deposit Account No. 11-1153. A duplicate copy of this Petition is enclosed for such purpose.

Accordingly, it is requested that the present Application be revived.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David A. Jackson', is written over a horizontal line.

DAVID A. JACKSON
Attorney for Applicant
Registration No. 26,742

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